

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-G, sub-§14-D is enacted to read:

<u>14-D.</u>	<u>State</u>	<u>\$75 per</u>	<u>30-A MRSA</u>
<u>Housing</u>	<u>Affordable</u>	<u>meeting</u>	<u>\$4360</u>
	<u>Neighborhood</u>	<u>plus</u>	
	<u>Development</u>	<u>expenses for</u>	
	<u>Review</u>	<u>certain</u>	
	<u>Board</u>	<u>members</u>	

Sec. 2. 30-A MRSA §4301, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §83, is repealed and the following enacted in its place:

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

Sec. 3. 30-A MRSA §4360 is enacted to read:

§4360. Regulation of affordable neighborhood development

1. Applicability. This section applies in municipalities that are part of a labor market area, as defined by the Department of Labor, in which the Maine State Housing Authority, using common underwriting criteria, determines that a household at the median income for the labor market area can not afford to purchase a median-priced home. The Maine State Housing Authority shall make this determination at least every 2 years.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accessory dwelling unit" means a dwelling unit of 600 square feet or less within a single-family dwelling or a building accessory to and on the same lot as the single-family dwelling when the owner of the property occupies either the main dwelling or the accessory dwelling unit.

B. "Affordable neighborhood development" means a primarily residential development on at least 3 contiguous acres in which at least 25% of the dwelling units are affordable housing as defined by section 4301 and that is designed to

be compact and walkable; is served by, or will be served by an extension of, a public sewer; includes internal open space and other common open space; includes one or more small-scale nonresidential uses of service to the residents of the development, either built within the development or available within 1/2 mile of the development; and meets design guidelines established pursuant to subsection 5.

C. "Common open space" means a parcel or parcels of land, an area of water or a combination of land and water, including floodplains and wetlands, within or traversing a development and designed and intended for the use and enjoyment of residents of the development. "Common open space" does not include land or yards allocated to specific dwelling units or other structures or in public rights-of-way.

D. "Complete plan" means a plan signed and sealed by the professional land surveyor under whose responsible charge a land survey was completed and by a landscape architect certified in the State under whose responsible charge all elements of the plan, as required by the design guidelines established in subsection 5, have been addressed.

E. "Internal open space" means a component of common open space consisting of one or more parcels with a minimum area of 500 square feet, of a distinct geometric shape and bounded by streets or other rights-of-way.

F. "Precertified development" means a development that, prior to final approvals by a local board, has been reviewed by the board established in subsection 3 and certified as an affordable neighborhood development.

3. State Affordable Neighborhood Development Review Board.

The State Affordable Neighborhood Development Review Board, referred to in this section as the "board," is established within the Maine State Housing Authority.

A. The board consists of 6 members: the Director of the Maine State Housing Authority or the director's designee, who is the chair; the Director of the State Planning Office or the director's designee; the Commissioner of Environmental Protection or the commissioner's designee; a landscape architect certified in the State, appointed by the Governor; a town or city planner employed by a municipality in the State, appointed by the Governor; and an elected municipal official, appointed by the Governor. The Director of the Maine State Housing Authority or the director's

designee may not vote on applications that are seeking financing from the authority.

B. Appointed members of the board serve 3-year terms or until a successor is named, whichever is later, as long as they continue to hold a position that qualifies them for appointment. A quorum is 4 members.

C. Members of the board who are employed by State Government serve without pay. Other members of the board are entitled to receive \$75 per day for their attendance at meetings and to reimbursement for reasonable expenses, including travel, to be paid by the Maine State Housing Authority.

D. Within 60 days of receiving a written request for a precertified development along with a complete plan, the board, by a vote of a majority of the members present and voting, shall issue a written finding:

(1) Certifying that the plan meets the design guidelines established in this section for an affordable neighborhood development; or

(2) Denying certification that the plan meets the design guidelines for an affordable neighborhood development and giving the reasons for the denial. An applicant whose request for certification is denied may resubmit a new complete plan at a later date.

4. Regulation of affordable neighborhood development. An affordable neighborhood development is regulated as follows.

A. Except as required under Title 38 or an ordinance adopted pursuant to Title 38, a municipality may not require a single-family house lot within a precertified development be larger than 6,500 square feet or have frontage of more than 50 feet on any road, except that it may require that the average frontage of all lots in that development be at least 70 feet, and may not require dimensional standards for lots, buildings or roads in excess of the design guidelines established pursuant to subsection 5.

B. Except as required under Title 38 or an ordinance adopted pursuant to Title 38, a municipality may not require that a multifamily lot within a precertified development have fewer than 7 dwelling units per acre and may not require dimensional standards for lots, buildings or roads in excess of the design guidelines established pursuant to subsection 5.

C. A precertified development may be located in any area of a municipality where other residential development is allowed as long as public sewer is available to the precertified development either through an existing line or one that could be extended to that development. If a municipal zoning district enacted pursuant to a consistent comprehensive plan permits only single-family dwellings, the precertified development must be restricted to single-family dwellings, accessory dwelling units and small-scale nonresidential structures and uses found by the board to be integral to the development.

D. A precertified affordable neighborhood development is subject to the same municipal subdivision and site plan reviews as other residential developments in the municipality, except that such reviews may not require dimensional standards for lots, buildings or roads in excess of the design guidelines established pursuant to subsection 5. Municipal subdivision and site plan reviews of precertified developments must be completed within 180 days of the submission of a complete application for such reviews.

E. A municipality may substitute its own definition of "accessory dwelling unit" for the definition in subsection 2, paragraph A as long as that definition does not have the effect of prohibiting such a unit in an affordable neighborhood development.

5. Design guidelines; rule. The board shall adopt by rule design guidelines for an affordable neighborhood development. The office, in cooperation with the board, shall prepare draft guidelines for the board's consideration. The guidelines must include submission requirements and related fees and must generally respect the principles of walkable neighborhoods with a variety of lot sizes and types and choice of housing for households of different incomes that are built to human scale, respect the natural environment, provide for adequate fire protection and public safety and provide for appropriate internal open space and other common open space. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 4. Submission of rules. Rules adopted by the State Affordable Neighborhood Development Review Board pursuant to the Maine Revised Statutes, Title 30-A, section 4360, subsection 3 must be submitted to the Legislature in accordance with Title 5, chapter 375, subchapter II-A no later than December 1, 2002.

SUMMARY

This bill implements a recommendation of the Joint Study Committee to Study Growth Management. It establishes the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establishes standards for affordable neighborhood developments. It also amends the definition of affordable housing in the growth management laws.